

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL R. RAY

Plaintiff,

v.

TRANS UNION CORPORATION, *et al.*,
Defendants.

C.A. NO: 04-CV-2710

ANSWER OF DEFENDANT, TRANS UNION LLC

Trans Union LLC (“Trans Union”), misidentified as Trans Union Corporation, by and through its undersigned attorneys, files the within Answer and avers as follows:

1. Upon information and belief, admits the allegations.
2. Denies the allegations, except admits only that Trans Union operates in the Eastern District of Pennsylvania.
- 3-8. No responsive pleading required for allegations directed toward third parties.
9. Trans Union does not contest this Court’s jurisdiction.
10. Neither admits nor denies the allegations as conclusions of law.
11. Denies the allegations that pertain to Trans Union, except admits only that Trans Union is a “consumer reporting agency” as defined by the Fair Credit Reporting Act, 15 U.S.C. §1681, *et seq.* (“FCRA”), and neither admits nor denies the allegations directed toward third parties.
12. Denies the allegations, except admits only that Plaintiff is a consumer as defined by the FCRA.
13. Denies the allegations as conclusions of law to which no responsive pleading is required.

14. Denies the allegations, except admits only that Plaintiff filed a bankruptcy petition on or about February 1, 2002 and received a discharge on or about November 21, 2002.
- 15-16. No responsive pleading required for allegations directed toward third parties.
17. Denies the allegations.
18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations concerning Plaintiff's knowledge.
19. Denies violating the FCRA or other law with respect to Plaintiff and neither admits nor denies the allegations directed toward third parties.
20. Denies violating the FCRA or other law with respect to Plaintiff and denies Plaintiff's characterization of documents, which speak for themselves.
21. Denies the allegations and denies knowledge or information sufficient to form a belief as to the truth of the allegations concerning Plaintiff's knowledge or emotions.
22. Denies the allegations, except admits only that Plaintiff has repeatedly corresponded with Trans Union.
23. Denies the allegations and denies violating the FCRA or other law with respect to Plaintiff.
24. No responsive pleading required for allegations directed toward third parties.
25. Denies the allegations and denies violating the FCRA or other law with respect to Plaintiff.
26. Denies violating the FCRA or other law with respect to Plaintiff.
27. Denies the allegations, denies violating the FCRA or other law with respect to Plaintiff, and denies Plaintiff's characterization of documents, which speak for themselves.
28. Denies violating the FCRA or other law with respect to Plaintiff.

29. No responsive pleading required for allegations directed toward third parties.
30. Neither admits nor denies the allegations as conclusions of law.
- 31-32. No responsive pleading required for allegations directed toward third parties.
33. Neither admits nor denies the allegations as conclusions of law.
34. No responsive pleading required for allegations directed toward third parties.
35. Denies the allegations that pertain to Trans Union.
36. Denies the allegations and denies causing Plaintiff harm for which he is entitled to relief.

FIRST CAUSE OF ACTION
(Negligence)

37. Trans Union repeats and realleges each and every response to the preceding paragraphs as if set forth at length herein.
38. Neither admits nor denies the allegations as conclusions of law.
- 39-40 Denies the allegations.
- 41-42. Denies the allegations and denies causing Plaintiff harm for which he is entitled to relief.

SECOND CAUSE OF ACTION
(Breach of Fiduciary Duty)

43. Trans Union repeats and realleges each and every response to the preceding paragraphs as if set forth at length herein.
- 44-46. Neither admits nor denies the allegations as conclusions of law.
- 47-50. Denies the allegations and denies causing Plaintiff harm for which he is entitled to relief.

**THIRD CAUSE OF ACTION
(Breach of Duty of Loyalty)**

51. Trans Union repeats and realleges each and every response to the preceding paragraphs as if set forth at length herein.
52. Neither admits nor denies the allegations as conclusions of law.
53. Denies the allegations.
54. Denies the allegations and denies causing Plaintiff harm for which he is entitled to relief.

**FOURTH CAUSE OF ACTION
(Breach of Trust)**

55. Trans Union repeats and realleges each and every response to the preceding paragraphs as if set forth at length herein.
56. Denies the allegations.
57. Denies the allegations and denies causing Plaintiff harm for which he is entitled to relief.

**FIFTH CAUSE OF ACTION
(Unfair Trade Practices Act)**

58. Trans Union repeats and realleges each and every response to the preceding paragraphs as if set forth at length herein.
- 59-64. Denies the allegations.
65. Denies the allegations and denies causing Plaintiff harm for which he is entitled to relief.

**SIXTH CAUSE OF ACTION
(Violation of the FCRA)**

66. Denies the allegations.

67. Denies the allegations, denies violating the FCRA with respect to Plaintiff, and denies Plaintiff's characterization of documents, which speak for themselves

68-72. Neither admits nor denies the allegations as conclusions of law.

WHEREFORE, Defendant Trans Union LLC demands judgment dismissing Plaintiff's complaint with prejudice, and awarding it such additional relief as the Court deems just and proper.

FIRST AFFIRMATIVE DEFENSE

The complaint fails to state a claim for which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Defendant Trans Union has, at all material times with respect to plaintiff, acted in good faith and complied fully with the FCRA and relevant state laws.

THIRD AFFIRMATIVE DEFENSE

Based upon the averments upon which Plaintiff's claim is made, defendant Trans Union is immune from suit under the FCRA.

FOURTH AFFIRMATIVE DEFENSE

Any harm suffered by Plaintiff was not caused by any act or omission of defendant Trans Union.

FIFTH AFFIRMATIVE DEFENSE

Any harm suffered by Plaintiff was caused by Plaintiff's own conduct or the conduct of third parties over which Trans Union has no control or authority.

SIXTH AFFIRMATIVE DEFENSE

With respect to Plaintiff, Trans Union's conduct and the alleged communications were entirely privileged and/or true.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrines of laches, unclean hands, waiver and estoppel.

EIGHTH AFFIRMATIVE DEFENSE

The claims contained in the complaint, which seek to recover punitive damages, violate the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States of America.

NINTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the applicable statutes of limitations

TENTH AFFIRMATIVE DEFENSE

Plaintiff, a resident of South Carolina, has brought this action at an improper jurisdiction and venue. In the alternative, venue is more appropriate in the District of South Carolina.

ELEVENTH AFFIRMATIVE DEFENSE

Trans Union reserves the right to raise additional defenses it learns through the course of discovery.

WHEREFORE, Defendant Trans Union LLC demands judgment dismissing Plaintiff's complaint with prejudice, and awarding it such additional relief as the Court deems just and proper.

Respectfully Submitted,

SATZBERG, TRICHON,
KOGAN & WERTHEIMER, P.C.

\s\ Christopher N. Jones
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Attorneys for Defendant,
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DATED: November 24, 2004

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MICHAEL R. RAY

Plaintiff,

v.

C.A. NO: 04CV-2710

TRANS UNION LLC, *et al.*,

Defendants.

CERTIFICATE OF SERVICE

CHRISTOPHER N. JONES, Esq., hereby certifies that on this 24th day of November 2004, Trans Union LLC's Answer was filed electronically, that Trans Union LLC's Answer is available for viewing and downloading from the ECF system, and that a true and correct copy of Trans Union LLC's Answer was sent *via* U.S. Mail, to the following:

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Philadelphia, PA 19103
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Plaintiff, Pro Se

\s\ Christopher N. Jones
CHRISTOPHER N. JONES